

Serial No. 10/701,519

REMARKS

The Applicants and the undersigned thank Examiner Juska for her time and consideration given during the telephonic interview of September 7, 2005. The Applicants also appreciate the Examiner's careful review of this application.

The Examiner has imposed a restriction requirement and has made it final. The Applicants have elected with traverse to pursue Claims 1-9 in the current application. Upon entry of this amendment, Claims 7-9 have been cancelled while Claims 1-6 and 10-20 remain pending in this application. Claim 10-20 have been withdrawn from consideration by the Examiner and Claims 1-9 have been rejected.

The independent claims are Claims 1 and 10. Consideration of the present application is respectfully requested in light of the above amendments to the application and in view of the following remarks and the attached Rule 132 Declaration prepared by Hugh Gardner, who is one of the inventors of the claimed technology.

Summary of Telephonic Interview Conducted on September 7, 2005

The Applicants and the undersigned extend their gratitude to Examiner Juska for the telephonic interview conducted with the Examiner on September 7, 2005. During the telephonic interview, the Applicants' representative and Examiner Juska discussed the state of the prior art that was used to reject the currently pending U.S. patent claims and a proposed amendment that was sent to Examiner Juska in advance of the interview.

The Applicants' representative explained that the carpet backing according to one exemplary embodiment of the invention is a secondary carpet backing and that the flat weave comprises a plain weave type of fabric. The Examiner indicated that the combination of elements now presented in independent Claim 1 would likely overcome U.S. Pat. No. 6,435,220 issued in the name of Smith et al. (hereinafter, the "Smith '220 reference") and the alleged prior art noted in the Applicants' background section. See paragraphs 12 and 13 of the June 2, 2005 Office Action.

However, Examiner Juska did not believe that the proposed amendment would overcome U.S. Pat. No. 6,060,145 issued in the name of Smith et al. (hereinafter, the "Smith '145 reference"). Examiner Juska indicated that the Smith '145 reference teaches

Interview
Record

OK
Gj 06-17-06